

REMARKS

Claims 10 and 11 were added via the previous amendment. The claims remaining in the application are 1-11.

Drawings

A copy of the formal drawings are submitted herewith. Approval by the Examiner is respectfully requested.

Claim Informalities

Claims 1, 8, and 9 have been amended to correct informalities in the formatting of the claims. No new matter has been added.

Rejection Under 35 U.S.C. § 103

The Office Action has rejected claims 1-11 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,225,900 (Wright), and further in view of JP 8-194791 (Yasuo). This rejection is respectfully traversed.

Wright does not discuss a physical distribution of particles to identify an article. Wright merely detects the presence of a taggant. Column 6, lines 38-41 makes it clear that the presence or absence of a characteristic wavelength is determined. The technique is spectrography-based and not image-based, and no distribution, random or otherwise, is detected.

The Yasuo reference seems to suggest that there is a characteristic signature to a magnetic signal and that it has some relatively unique two-dimensional aspect to it. This does not describe the imaging of a distribution. In its most simplistic form, the result is still a representative number, and in its most complex form it is a two-dimensional variation in detected magnetic signal. It does not discern individual taggant particles; it merely picks up a magnetic signal that varies in the y-direction for every position along the x-direction. That is not imaging a distribution. (The Office Action uses the term/phrase “magnetic pattern” on page 6, point 7, line 8, and that is all that would be obtained.

The Yasuo process operates magnetically. There is no hint of an optical process, nor a suggestion of determining the distribution of the particles. Nor is there anything that would lead a practitioner to use Wright’s invention to determine a “magnetic pattern.” Magnetic induction is the appropriate means to detect ferrite and is the process that Yasuo uses.

Furthermore, it is well known that to image an object you need an imaging radiation of wavelength much smaller than the object being imaged. It is not explained how magnetic induction meet that criterion. One skilled in the art

will not think of going from Yasuo to the present invention, let alone to the Wright reference, which discusses detecting the presence of an optical material, or with no imaging, and hence no distribution. Wright has little, if anything, to do with the present invention.

Additionally, it would not be possible to make the present invention work with magnetic particles. There is nothing in the magnetics field, including slowly varying two-dimensional magnetic patterns, that suggests invoking the use of fluorescent materials and associated optical detection of small spectral signals on an imaged basis. Conversely, there is nothing in the field of fluorescence and associated small optical signal detection that would make the practitioner look at slowly varying magnetic signals to solve an imaging problem.

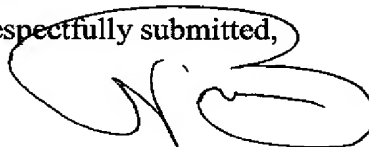
CONCLUSION

Dependent claims not specifically addressed add additional limitations to the independent claims, which have been distinguished from the prior art and are therefore also patentable.

In conclusion, none of the prior art cited by the Office Action discloses the limitations of the claims of the present invention, either individually or in combination. Therefore, it is believed that the claims are allowable.

If the Examiner is of the opinion that additional modifications to the claims are necessary to place the application in condition for allowance, she is invited to contact Applicant's attorney at the number listed below for a telephone interview and Examiner's amendment.

Respectfully submitted,



Attorney for Applicant(s)
Registration No. 29,134

Nelson A. Blish/tms
Rochester, NY 14650
Telephone: 585-588-2720
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.